

LICENSING RULES FOR ADULT FOSTER CARE CONGREGATE FACILITIES (21 OR MORE)



STATE OF MICHIGAN
Department of Human Services

**BUREAU OF
CHILDREN AND ADULT LICENSING**

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**MICHIGAN DEPARTMENT OF HUMAN SERVICES
DIVISION OF ADULT FOSTER CARE LICENSING
ADULT FOSTER CARE CONGREGATE FACILITIES**

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DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIVISION OF ADULT FOSTER CARE LICENSING

ADULT FOSTER CARE FACILITIES

(By authority conferred on the department of social services by section 9 of Act No. 380 of the Public Acts of 1965, as amended, and sections 10 and 13 of Act No. 218 of the Public Acts of 1979, as amended, being §§16.109, 400.710, and 400.713 of the Michigan Compiled Laws)

PART 1. CONGREGATE CARE FACILITIES GENERAL PROVISIONS

R 400.2101 Scope.

Rule 101. This part applies to all adult foster care small group homes, adult foster care large group homes, and adult foster care congregate facilities.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2102 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; rescinded 1984 MR 8, Eff. Sept. 15, 1984

R 400.2103 Definitions; A to F.

Rule 103. As used in these rules:

- (a) "Act means Act No. 218 of the Public Acts of 1979, as amended, being §400.702 et. seq. of the Michigan Compiled Laws.
- (b) "Department" means the department of social services.
- (c) "Foster care agreement" means a written document executed by a Facility and a responsible agency or person which spells out the basic responsibilities of each party.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2104 Definitions; H, I.

Rule 104. As used in these rules:

- (a) "Habitative and active programs" means that group of alternate care services beyond care and maintenance which a facility designates and provides directly or through contract to preserve or improve a resident's physical and intellectual functioning and independence. Such services include all of the following:
 - (i) A general program, which is a program administered by staff without special prerequisite requirements or skills and which provides health, educational, vocational, or other services needed by a resident.
 - (ii) A developmentally disable program, which is a program primarily designed for the mentally handicapped with activities aimed at maintaining or improving levels of functioning for a resident with mental handicaps to achieve maximum independence and accepted participation in community life.
 - (iii) A social-emotional program, which is a program primarily designed for an individual with diagnosed problems in social or emotional functioning.

Program activities shall aim at maintaining or improving levels of functioning for a resident to achieve maximum independence and accepted participation in community life.

- (b) "Health appraisal" means an evaluation which is conducted as necessary by physicals, dentists, nurses, or other health professionals where appropriate and which has optimal individual health as its objective.
- (c) "isolation" means the complete and unattended separation of a resident from staff and other residents for purposes of discipline or training.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2105 Definitions; L, P.

Rule 105. As used in these rules:

- (a) "Living unit" means a section or distinct part of a facility which incorporates the arrangement of a family home and which at least contains a living room, bedrooms, and bathrooms for a group of residents. Central activity, food services, and dining areas are permitted.
- (b) "Program elements" means those goal-directed service components which may be found in each program.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2106 Definitions; R, W.

Rule 106. As used in these rules:

- (a) "Responsible agency" means a public or private organization which arranges for the care of a resident in a facility, primarily through the purchase of services, and which maintains an ongoing responsibility to the resident in the facility.
- (b) "Responsible person" means the licensee or administrator or an individual designated by the licensee or administrator in his or her absence who is not less than 18 years of age, is of good moral character, and is physically and emotionally capable of meeting the needs of residents during the period he or she is in charge. A responsible person shall be other than a resident.
- (c) "Restraint" means the use of paraphernalia, contraptions, material, or equipment for the purpose of immobilizing a resident.
- (d) "Written admissions policy" means a facility's public statement of all of the following:
 - (i) Objectives, eligibility, and application requirements for admission.
 - (ii) Items included in the facility's rate.
 - (iii) Other items and services available at a designated extra charge.
 - (iv) Services available.
 - (v) The facility's resident fund, visitation, and grievance policies and procedures.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2111 Licensing applications and renewals.

Rule 211. (1) An applicant shall furnish the department with all of the following:

- (a) A statement of the facility's purpose, objectives, and goals.
- (b) Program designation and description of services to be provided with such endorsements or certifications as are required by the department to assure the performance of programs.
- (c) A description of staff or contract means by which care and facilities are provided.
- (d) A floor plan showing the interior layout of foster care areas and room descriptions, including use, number of beds, and dimensions of floor space.

- (e) A financial statement and annual budget.
- (f) An addendum composed or any existing foster care agreement between the facility and a responsible agency.
- (2) A licensee fee shall accompany an original license application and a license renewal application. This fee is non-refundable and shall be based upon the following schedule:
 - (a) Adult foster care small group home \$25.00
 - (b) Adult foster care large group home \$50.00
 - (c) Adult foster care congregate facility \$75.00
 - (d) Adult foster care camp \$25.00

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2112 Inspections and investigations.

Rule 112 (1) Before issuing a license, the department shall conduct an investigation of the facility and attempt to determine if the applicant, or owners, partners, or directors of the applicant if other than an individual, is of good moral character and is physically and emotionally capable of constructively assisting with programs for residents. The department shall also attempt to determine the applicant's financial and administrative capability to operate a facility providing the level or care and program stipulated in the application.

- (2) A medical examination may be required at any time to establish the physical or mental health of persons involved in providing residential care and services.
- (3) Failure of an applicant or licensee to cooperate with the department in connection with an inspection or investigation is grounds for denying, suspending, revoking, or refusing to renew a license.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2113 License limitation of numbers of residents and beds; posting of license; change of information provided in license application.

Rule 113. (1) The number of residents care for in a facility and the number of resident beds shall not exceed the capacity authorized by the license.

- (2) The current license, whether regular, provisional, or temporary, shall be posted in a conspicuous public area of the facility and shall be available for public inspection.
- (3) Any applicant or an authorized representative shall give written notice to the department of any changes in information previously submitted in an application for license within 5 business days after the change occurs.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2114 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC, rescinded 1984 MR 8, Eff. Sept 15, 1984.

R 400.2115 Waiver of licensing rules.

Rule 115. (1) The director may waive any rule for a stated period of time to permit experimentation and demonstration of new and innovative approaches to the delivery of services on condition that an evaluation is planned. Results shall be submitted to the department as prescribed by the waiver.

- (2) In the interest of efficient administration of the act, after notification to the council and after consideration of the council's advice, the director may waive any rule.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2116 Reports.

Rule 116. Within 10 days of receipt, a licensee shall report to the department all receipts of property or interests in property by transfers from a resident or an applicant for admission conveyed to the licensee or others associated with the facility. A licensee shall make such other reports to the department as the department may request.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1984 MR 8, Eff. Sept 15, 1984.

R 400.2117 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC, rescinded 1984 MR 8, Eff. Sept 15, 1984.

R 400.2118 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC, rescinded 1984 MR 8, Eff. Sept 15, 1984.

R 400.2119 Grievance procedures.

Rule 119. (1) A resident or licensee shall have access to the department hearings process for complaints regarding department administrative actions based upon these rules.

(2) A licensee shall require that grievance procedures for a licensee or a resident be included in any foster care agreement entered into with a responsible agency. Dispositions under such procedure shall be available to the department for inspection purposes.

History: 1954 ACS 82, Eff. Feb. 1, 1975.

R 400.2120 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC, rescinded 1984 MR 8, Eff. Sept 15, 1984.

R 400.2121 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC, rescinded 1984 MR 8, Eff. Sept 15, 1984.

R 400.2122 Staff training programs.

Rule 122. A licensee shall have its staff participate in training programs which are available and designated by the department. The training sessions shall be provided on a basis which will allow licensees and administrators to maintain adequate facility staffing.

History: 1954 ACS 82, Eff. Feb. 1, 1975.

PART 2. CONGREGATE FACILITIES

R 400.2401 Scope.

Rule 401. This part applies only to congregate facilities.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2402 Licensees and administrators.

Rule 402. (1) Care provided by a congregate facility shall be based on a foster care agreement between the congregate facility and the responsible agency or person requesting care. The agreement shall specify that it is the responsibility of the agency or person requesting care to provide all necessary intake information; to provide other required information; to provide initial and ongoing and

discharge assessment planning; preparation for discharge; social services assistance in obtaining all necessary care which may be needed by the resident. A copy of the agreement shall be maintained in the congregate facility. Where the agreement is not with the department, a copy shall be filed with the department for its review and approval.

- (2) A licensee or a governing body may appoint an administrator to operate a congregate facility.
- (3) An administrator, all staff participating in resident care and staff who are designated as responsible persons or acting in such capacity shall be at least 18 years of age, be of good moral character and reputation, be in good health and by training and experience be capable of meeting the demands of the position.
- (4) A licensee or an administrator shall designate in writing a responsible person to carry out his responsibilities and duties in his absence.
- (5) A licensee or an administrator shall be willing to cooperate fully with the resident, his own family and responsible relatives and the supervising agency.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2403 Admission and discharge.

Rule 403. (1) A congregate facility shall have a written admission policy which shall be posted in a conspicuous public area of the facility. The department's assistance in establishing the policy is available upon request of a licensee.

- (2) A prospective resident or his guardian, if the prospective resident is legally incompetent, shall exercise free choice in the selection of a foster care congregate facility. The department shall determine if the congregate facility is capable of meeting an individual's needs.
- (3) A persona shall not be denied admission to or discharged from a congregate facility because of race, religion, color, or national origin.
- (4) In administering or managing a congregate facility, an licensee or an administrator shall not accept or keep a person whose behavior requires isolation or restraint. A person shall not be admitted to a congregate facility whose present care requirements and service needs are incompatible with those of other residents in the facility. This subrule shall not be used to circumvent subrule (3).
- (5) An admission prerequisite for persons transferring from another residential setting, nursing home, or medical institution is a current written assessment plan outlining the specific service appropriate to the resident's needs and the method of providing the service. With a resident's consent, an individual not having a responsible agency shall have an assessment plan completed by department workers and filed in the resident's record at the congregate facility within 30 days after admission to the congregate facility.
- (6) Upon admission a resident's record shall contain information obtained from the resident, his next of kin or legal guardian, or responsible agency indicating persons to be notified of an emergency, including the preferred physician or hospital and instructions for emergency care.
- (7) An individual admitted shall have had a health appraisal completed within the previous 90 days or in emergency admissions shall obtain the appraisal within 30 days of admission.
- (8) A congregate facility licensee shall report all new admissions and discharges to the department in a manner prescribed by the department.
- (9) A resident shall not be discharged from a congregate facility without adequate preparation, including a determination that a move is in a resident's best interest. At the time of discharge the responsible agency or the department of social services shall update the assessment plan to provide for continuity in achieving objectives. A congregate facility shall record the date of discharge, the reason for discharge, the disposition of money and valuables held for safekeeping, and a forwarding address of the resident, or a relative, guardian or other adult. The foregoing does not restrict the resident's ability to make his own living arrangements.

- (10) The express wishes of the resident shall be considered in all movements to and from a congregate facility.
- (11) A bedfast person or one requiring continuous and constant professional nursing care shall not be accommodated in a congregate facility. This does not preclude the accommodation of a resident who is temporarily ill and bedfast but who does not require professional nursing.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2404 Illnesses and accidents.

Rule 404. (1) In case of an accident or sudden adverse change in a resident's physical condition or adjustment, a congregate facility shall obtain needed care immediately and notify the responsible relative and the person or agency responsible for placing and maintaining the resident in the congregate facility.

- (2) An occurrence of a reportable communicable disease as defined by the laws of this state or the rules implementing such laws shall be reported immediately to the local health department and the department.
- (3) Immediate investigation of the cause of an accident or incident involving a resident, employee, or visitor shall be initiated by a congregate facility licensee or administrator and an appropriate accident record or incident report completed and maintained. Within 72 hours, serious accidents requiring medical attention shall be reported to the department for remedial review.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2405 Deaths of residents.

Rule 405. When a resident dies, a congregate facility licensee or administrator shall notify immediately the resident's physician, the next of kin or legal guardian and the person or agency responsible for placing and maintaining the resident in the congregate facility. Statutes applicable to the reporting of sudden or unexpected death shall be observed. The death shall be reported to the department within 72 hours.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2406 Personnel policies and health supervision.

Rule 406. (1) Written personnel policies, practices, job descriptions, and procedures shall be made available to all employees and volunteers. Work assignments shall be consistent with job descriptions and the level of training and experience of the employee or volunteers.

- (2) An employee involved in food preparation or kitchen cleanup activities or who comes in contact with residents, as a preemployment requirement, shall be certified by a physician to be free from communicable diseases required to be reported by the laws of this state or by the rules promulgated under such laws. Periodically, the licensee or administrator shall review with each employee his present state of health.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2407 Staffing.

Rule 407. (1) The ratio of staff to residents shall be adequate to carry out responsibilities defined in the act and in these rules and staff ratios shall conform with requirements set by the department following study by the department and advice from the council.

- (2) Congregate facilities operating other than a general habilitative and activities program shall employ a program director and other personnel, as necessary, with special and appropriate skills; or

have formal agreements with other agencies or persons whereby services are made available to the congregate facility according to resident need.

- (3) A responsible person, capable of immediately responding to emergencies, shall be on the premises of each living unit of a congregate facility during sleeping hours although the person need not be awake and dressed.
- (4) Personnel shall wear clean garments, maintain a high degree of personal cleanliness, and conform to acceptable hygienic practices while on duty.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2411 Services for residents.

Rule 411. A congregate facility shall provide services for the habilitation of its residents. In addition to transportation and basic self-care and habilitation training, congregate facilities shall provide or cause to be provided all of the following program elements which are essential for the habilitation of their residents. Without department approval a program element other than basic self-care and habilitation training shall not be provided on the premises when it is available in the community.

- (a) Basic self-care and habilitation training means a service to teach and reinforce skills in dressing, grooming, eating, bathing, toileting, and following of simple directions.
- (b) Social education training means a service which covers areas of training inclusive of recreational participation such as group programs, community entertainment and recreational facilities utilization. Social graces and acceptable public behavior are covered in this area as are leisure time use and skills.
- (c) Tutorial and special skills training is a service typically providing 1-to-1 training in an area. Services include basic self-care training, mobility training, or advanced skills.
- (d) Adult activity, day care or day training, is an activity and training service including basic self-care skills, activities of daily living, utilization of community resources, hazard training, individual and group programs of therapy and education, recreational programs, field trips, skills maintenance, and special training. Objectives range from the maintenance of a participant in the community to the development of prevocational skills to permit placement in a sheltered workshop setting.
- (e) Work activity is a work activity service provided in a protective setting in a day program to serve a retarded or mentally ill adult. Activities are divided between development of prevocational skills by producing a product in a structured work setting and providing basic social activities of daily living training. The major focus shall be on work skills for which reimbursement from products sold or from contracts may be provided.
- (f) Sheltered workshop is a service in a certified protective workshop setting which includes special vocational training, job evaluation, and rehabilitation planning with a definite objective of placement in gainful employment, sheltered or independent. Certification includes proper wage deviation permits from the department of labor and approvals as appropriate from the division of vocational rehabilitation.
- (g) Personal adjustment is a service for a person with psychiatric, emotional, behavioral, or developmental problems and includes counseling and individual or group therapy as well as diagnostic evaluation. It also includes utilization of appropriate batteries of psychological testing material and related counseling to assist in classification and determination of readiness for movement or maintenance in the community.
- (h) Transportation means vehicle travel by public or private carrier and related cost to and from program resources in the community including consultation, medical, and other services. This includes escort between screening and entry programs.
- (i) Health services include pharmaceutical, medical, or dental services provided directly or through contractual agreement.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2412 Care of residents.

Rule 412. (1) A staff member or a responsible person shall always be present when a resident is in the congregate facility or a living unit.

- (2) Residents shall be assured privacy and protection from moral, social, and financial exploitation.
- (3) All work performed by a resident shall be in accordance with the assessment plan.
- (4) A resident shall be treated with dignity, and his personal needs, including protection and safety, shall be attended to at all times.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2413 Residents; personal care.

Rule 413. (1) A congregate facility shall provide care and maintenance to its residents including either or both personal care and supervision as appropriate. Supervision means guidance of an individual as he carries out activities of daily living, including reminding a resident to maintain his medication schedule as directed by his physician, reminding him of important activities to be carried out, assisting him in keeping appointments and being aware of his general whereabouts even though he may travel independently about the community. Personal care means continuous attendance by a responsible person to render personal assistance with dressing, personal hygiene, grooming, and maintenance of medication schedule as directed and supervised by the individual's physician and being aware of the individual's specific whereabouts at all times, including his presence in outside activities. Specifically, personal care shall include, as required, care of the skin, mouth, teeth, hands, feet, eyes, and hair.

- (2) A resident shall receive a bath or shower weekly and be afforded the opportunity for daily bathing.
- (3) A resident shall be offered facilities for shaving daily.
- (4) A resident shall be afforded opportunities to obtain haircuts, hairsets, or other hair grooming processes.
- (5) A resident shall be afforded the opportunity, encouraged, and instructed to dress as fashion, cleanliness, and the season warrants.
- (6) A resident shall be given assistance or trained in the use of prosthesis as appropriate.
- (7) A resident's dignity and privacy shall be respected in all areas. Female residents requiring assistance in activities such as dressing, bathing, and personal hygiene shall be assisted by or in the presence of another female.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2414 Complaints.

Rule 414. A resident shall be afforded a means of presenting grievances to the congregate facility licensee or administrator. If the area of concern is with the responsible agency, refer to R 400.2119.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2415 Health care of residents.

Rule 415. (1) A resident shall have a health appraisal at least annually which contains specific recommendations for care, maintenance, treatment, or special programs and shall reflect the resident's progress in meeting scheduled objectives.

- (2) A resident who in the recent past has been a patient in an institution shall have on file in his individual record a statement of his medical history and his medical and health needs.

- (3) The weight of each resident shall be recorded upon admission and a monthly record of the weight of each resident shall be maintained.
- (4) All prescription medication shall be prescribed by a licensed physician. Medication shall be administered and safeguarded in accordance with the instructions of a resident's physician.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2416 Prohibited practices

Rule 416. Licensees or administrators shall not establish or practice policies of physical restraint, isolation, corporal punishment, personal humiliation, or withholding of food, water, or clothing.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2417 Assessment plan.

Rule 417. Care, maintenance, and services shall be provided according to an assessment plan.

Components of a plan shall include at least:

- (a) Specific objectives of maximum self-care and independence appropriate for each resident.
- (b) Health appraisal, including medical-dental and, where appropriate, other evaluations by health professionals and prescribed treatment.
- (c) Care and maintenance requirements.
- (d) Specific services and planning needed to obtain objectives.
- (e) Work activities.
- (f) Religious activities.
- (g) Restrictions or exceptions to the requirements of resident care which are individually set and allowable under licensing rule.
- (h) Payment planning related to the care and services to be obtained by the resident.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2418 Resident activities

Rule 418. (1) A resident shall have access to the use of the United States mails; he may write and send mail at his own expense without censorship and receive mail addressed to him unopened.

- (2) A resident shall have daily, private access to and use of a telephone for local calls. Similar access is to be granted for long distance calls which are made collect or for which charges are otherwise met by the resident. When pay telephones are provided in congregate facilities, a reasonable amount of change shall be available in the congregate facility to enable residents to make change for telephoning purposes.
- (3) A resident shall have immediate access to and use of his personal clothing and personal belongings which he usually or habitually carries on his person or uses as a matter of identification, grooming, toilet, prosthesis, hygiene, communication, religious observance, personal adornment, personal entertainment, study, or personal enhancement.
- (4) A resident shall be provided with storage space for his immediate and private use.
- (5) A congregate facility shall facilitate family relationships by its routine and personnel attitude. Restrictive visiting hours shall not be maintained and residents shall be allowed to receive reasonable numbers of visitors at any reasonable time. Exceptions shall be covered in the assessment plan. Special consideration shall be given to visitors coming from out of town or whose hours of employment warrant deviation from usual visiting hours.
- (6) A resident who is capable shall have the opportunity of doing his own shopping for his personal needs in the nearest community.
- (7) A resident shall be afforded appropriate recreational experiences and opportunities within and outside the congregate facility.

- (8) A resident shall be permitted to practice the religious belief of his choice free of any coercion, and be allowed religious ministrations at reasonable hours. Religious practice shall not be required of any resident.
- (9) An adult shall not be denied admission to, or be discharged from, a congregate facility because of race, religion, color, or national origin. The individual, or in the case of the legally incompetent his guardian, shall exercise free choice in the selection of a congregate facility if it is capable of meeting the individual's needs.
- (10) Any exception to resident activities shall be noted in the assessment plan.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2421 Residents' funds; access; safekeeping.

Rule 421. (1) A resident shall have access to and use of personal funds belonging to him in reasonable amounts, including immediate access to at least \$5.00 of his personal funds. Exceptions shall be subject to provisions of the assessment plan.

- (2) The maximum value of money and valuables a congregate facility shall accept for safekeeping shall not exceed the amount of \$400.00 per resident.
- (3) Residents' funds shall be kept separate and apart from all funds and monies of the licensee and treated as a trust obligation of the licensee.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2422 Accounting of residents' funds.

Rule 422. (1) A resident's funds are subject at all times to a full and prompt accounting to the resident. Funds shall be considered promptly accounted for when the following conditions have been observed:

- (a) A resident receives on request an itemized monthly statement of all charges against funds held in trust which shall be in such form as reasonably to inform the resident of the nature of the charge for goods or services and the amount thereof. A copy of the itemized statement shall be filed in the resident's record.
 - (b) A resident receives up to his full amount of personal funds at a time designated by the resident but in no event later than 5 days following the request subject to limitations in the resident's assessment plan.
 - (c) The charges against the resident's fund account bear a reasonable relationship to value or agreed price for the services rendered and goods furnished or made available to the resident.
- (2) A resident who is discharged from a congregate facility shall receive an itemized statement of his personal funds and prompt and reasonable payment of funds remaining in his account at the time of discharge, but no later than 5 banking days after discharge.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2423 Charges against residents' funds.

Rule 423. A resident, or in the case of a mentally handicapped resident, the responsible agency, legal guardian, person, or relative responsible for maintaining him, shall be given prior written notice and approval obtained before charges are made against his account. A copy of the authorization shall be maintained in the resident's record.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2424 Transactions prohibited; review.

Rule 424. (1) A congregate facility licensee or a member of his family, or congregate facility staff shall not borrow money or valuables from a resident with or without his consent.

- (2) Transactions between a resident and a congregate facility shall be subject to review by the department where it is alleged by a resident or his representative that the congregate facility did not comply with any rule pertaining to trust funds. Department review does not preclude any other legal remedy a resident or his representative may have.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2431 Home environment.

Rule 431. (1) A congregate facility shall be so constructed, arranged, and maintained as to provide adequately for the health, safety, and well-being of occupants.

- (2) Furnishings and housekeeping standards shall be such that a congregate facility presents a comfortable, clean, and orderly appearance.
- (3) All occupied rooms shall be of standard lath and plaster construction or equivalent.
- (4) The atmosphere and routine of the congregate facility shall be such that a resident may spend the majority of his nonsleeping hours out of the bedroom.
- (5) Dining, bath, sitting, living, and recreation rooms shall be maintained by an adequate central heating system or its equivalent at a temperature range of 68-72 degrees Fahrenheit during non-sleeping hours.
- (6) A congregate facility shall make adequate provision for laundering personal laundry.
- (7) A congregate facility shall be equipped to provide an adequate amount of hot water for a resident's use between the temperature range of 110-120 degrees Fahrenheit at the fixture.
- (8) A toilet, lavatory, and bathing or showering facility shall be provided for each 8 adults in a congregate facility including live-in staff and residents. At least 1 toilet and lavatory shall be provided on each floor having resident bedrooms.
- (9) Bathrooms and toilet facilities without windows shall have forced ventilation to the outside. Bathroom windows used for ventilation shall open easily.
- (10) Toilets, bathtubs, and showers shall provide for individual privacy.
- (11) Floors, walls, and ceilings shall be finished so as to be easily cleanable, and shall be kept clean and in good repair.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2432 Living and sleeping areas.

Rule 432. (1) A congregate facility shall provide distinct living and sleeping areas. All areas shall be well lighted, heated, and ventilated.

- (2) A congregate facility shall provide 1 or more attractively furnished multipurpose areas of adequate size for training, recreational, family-style dining and other diversional and social activities.
- (3) The living and sleeping areas for a given resident shall not be in noncontiguous wings, units, or buildings.
- (4) A living room, dining room, or other room not ordinarily used for sleeping shall not be used for sleeping by residents or family or staff members.
- (5) Traffic to and from any room shall not be through a resident's bedroom.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2433 Bedrooms.

Rule 433. (1) A room shall not be used as a bedroom where more than 1/2 the room height is below grade, except where the ceiling of such portion of a building is located 5 feet or more above grade for

more than 25% of the perimeter measurement of the building.

- (2) Bedrooms for residents shall be separated from halls, corridors, and other rooms by floor-to-ceiling walls containing no openings except doorways.
- (3) Interior doorways of bedrooms occupied by residents shall be equipped with a side-hinged, permanently mounted door equipped with positively latching hardware which will insure opening of the door by a single motion, such as turning a knob or by pressing with normal strength on a latch.
- (4) Residents of opposite sex shall not occupy the same bedroom unless they are husband and wife.
- (5) Residents having impaired mobility shall not sleep in or be assigned bedrooms located above the first or main floor.
- (6) Bedrooms shall have at least 1 window. Bedrooms shall be well ventilated and maintained at a comfortable temperature.
- (7) A single occupancy bedroom shall have at least 80 square feet of usable floor space (70 square feet for existing facilities). Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.
- (8) A multi-occupancy bedroom shall have at least 70 square feet of usable floor space per bed (65 square feet for existing facilities) with a maximum of 4 beds per bedroom. Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.
- (9) There shall be at least a 3-foot clearance between beds in a multiresident bedroom.
- (10) Rollaways, cots, double deck, stacked bunks, hide-a-beds, daybeds, and studio couches are prohibited.
- (11) Provision shall be made for a resident to mount or hang pictures on bedroom walls.
- (12) A resident bedroom shall be equipped with a mirror appropriate for grooming.
- (13) Bedroom furnishings shall include an adequate closet or wardrobe, lighting sufficient for reading and other resident activities, bureau or dresser or equivalent, and at least 1 chair with arms in each bedroom for every 2 residents.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2434 Bedding and linen.

Rule 434. (1) A congregate facility shall provide an individual bed at least 36 inches wide and 72 inches long with comfortable springs in good condition, a clean protected mattress not less than 5 inches thick or 4 inches if a synthetic construction, and a pillow.

- (2) A congregate facility shall provide bedding which includes 2 sheets, a pillow case, a minimum of 1 blanket, and a bedspread. A congregate facility shall maintain a linen supply for twice the number of beds in it. A congregate facility shall provide towels and washcloths which shall be changed at least twice weekly and more often if soiled. Bed linen shall be changed at least weekly and more often if soiled.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2447 Safety generally.

Rule 447. (1) Scatter or throw rugs on hard finished floors shall have a nonskid backing.

- (2) Handrails and nonskid surfacing or strips shall be installed in showers and bath areas.
- (3) Sidewalks, fire escape routes and entrances shall be kept free of any hazards such as ice, snow, and debris.
- (4) A yard area shall be kept free from all hazards, nuisances, refuse and litter.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2448 Water and sanitation.

Rule 448. (1) Private water systems shall meet the department of public health rules, "Regulations for Certain Water Supplies in Michigan," available from the Department of Public Health, 3500 North Martin Luther King, Jr. Blvd., Lansing, MI 48915. A bacteriological report confirming water quality shall be required during initial inspection and every 2 years thereafter. Congregate facilities using a community-approved water system need not comply with this requirement.

- (2) Sewage disposal systems shall meet the requirements of the state department of public health.
- (3) Kitchen and bathroom areas shall be maintained to insure cleanliness and sanitation so as to protect health.
- (4) Waste which is not disposed of by mechanical means shall be kept in a leakproof, nonabsorbent container with close-fitting covers for garbage, refuse, and other solid waste. Waste shall be removed from the kitchen daily and from the premises at least weekly.
- (5) Hand-washing facilities provided in both kitchen and bathroom areas shall include hot and cold water, soap and individual towels, preferably of paper.
- (6) An insect, rodent or pest-control program shall be maintained as necessary, and carried out in a manner which continually protects the health of residents. Poisons, caustics, and other dangerous materials shall be stored and safeguarded in nonresident areas and in nonfood preparation and storage areas.
- (7) Open windows shall be screened May through October.
- (8) When a resident is discharged, his room and its contents shall be thoroughly cleaned. Blankets and spreads shall be sanitized.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2451 Records generally.

Rule 451. Resident records, a resident register, accident records and incident reports, residents' grievances and complaints, employee records, employee work schedules and record of resident funds and valuables shall be kept in the congregate facility and shall be available to the director or his authorized representative.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2452 Resident records.

Rule 452. (1) An individual resident record shall be provided for each resident in the congregate facility.

- (2) It shall be the shared responsibility of the congregate facility licensee and the responsible agency to assure that a current resident record is maintained and that all entries are dated and signed.
- (3) The resident record shall include all of the following information:
 - (a) Identifying information including all of the following information:
 - (i) Name.
 - (ii) Social security number.
 - (iii) Agency case number.
 - (iv) Veteran status and number.
 - (v) Marital status.
 - (vi) Age.
 - (vii) Sex.
 - (viii) Home address.
 - (ix) Religious preference.
 - (x) Insurance information.
 - (xi) Burial provisions.
 - (b) Assessment plan.

- (c) Name, address, and telephone number of next of kin or legal guardian.
- (d) Name, address, and telephone number of person or placing agency responsible for resident's maintenance and care in the congregate facility.
- (e) Date of admission.
- (f) Date of discharge and place to which resident was discharged.
- (g) Health information including all health appraisals and statements and instructions for administering prescribed medication.
- (h) The name and address of the preferred physician and hospital and instructions for emergency care.
- (i) Information available from the resident about insurance policies and prearranged funeral arrangements.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2453 Resident register.

Rule 453. A chronological register of residents shall be maintained and include the following information for each resident: date of admission, date of discharge, and place to which resident was discharged, including date and location for temporary absences.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2454 Accident records and incident reports.

Rule 454. An accident record or incident report shall be prepared for each accident or incident involving a resident, staff member, or visitor. Incident means seizures or highly unusual behavior episodes including periods of absence without prior notice. An accident record or incident report shall include the following information:

- (a) Name of person involved in accident or incident.
- (b) Date, hour, place, and cause of accident or incident.
- (c) Effect of accident or incident on person involved and care given.
- (d) Name of physician notified and time of notification.
- (e) Physician's statement regarding extent of injuries, treatment ordered, and disposition of person involved.
- (f) Corrective measures taken to avoid repetition of accident or incident.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2455 Employee records and schedules.

Rule 455. (1) A record shall be maintained for permanent full-time and permanent part-time employees only and shall include the following:

- (a) Name, address, telephone number, and social security number.
- (b) License or registration number, if applicable.
- (c) Date of birth.
- (d) Summary of experience and education (resume).
- (e) References.
- (f) Beginning date of employment and position for which employed.
- (g) Performance evaluation.
- (h) Results of annual health certifications.
- (i) Periodic health review information.
- (j) Date employment ceased and reasons therefor.

(2) A daily work schedule shall be maintained to include the number and type of personnel on duty in the congregate facility. Work schedules shall be kept for 90 days.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2456 Resident's grievances and complaints record.

Rule 456. A resident grievances and complaint record shall be maintained which shall include copies of all resident grievances or complaints filed in chronological order. The report shall include the nature of the complaint, the date of the complaint, and a statement indicating how the issue was resolved.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2457 Resident funds and valuables.

Rule 457. The resident funds and valuables record shall indicate the date and receipt number of all deposits and dispersals, and the amount and description of monies or valuables or both given for safekeeping for each resident for each resident. It shall also include any written authorization by the resident for charges made by the congregate facility to the fund.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2461 Emergency preparedness.

Rule 461. (1) A congregate facility shall have a telephone. A congregate facility shall have a written procedure to be followed in the case of fire, or medical emergency. Responsible employees and residents, to the best of their ability, shall be familiar with emergency planning and his or her responsibilities.

- (2) An emergency plan shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating residents of limited mobility and visitors, and provide for at least 4 fire drills per year.
- (3) The emergency plan, including appropriate telephone numbers, shall be prominently posted and made fully known to all residents, staff, and responsible persons and be reviewed annually.
- (4) Staff shall be trained to perform assigned tasks and be familiar with all fire fighting equipment.
- (5) Fire drills shall be conducted quarterly and a record of their performance shall be maintained. Evacuation planning shall include the possibility of nighttime movements of residents.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2471 Quality of meals.

Rule 471. (1) A minimum of 3 regular, nutritious, attractively prepared meals shall be provided daily. No more than 15 hours shall elapse between the evening and morning meal. Meals shall be of proper form, consistency, and temperature. Meals shall meet the general requirements for nutrition published by the department or currently found in the recommended daily dietary allowances, food and nutrition board, national academy of science.

- (2) Special diets shall be prescribed only by a physician.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2472 Food service.

Rule 472. (1) All perishable foods shall be stored at such temperatures as will protect against spoilage.

- (2) All foods while being stored, prepared, or served shall be protected against contamination and be safe for human consumption.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2473 Equipment.

Rule 473. A congregate facility shall be equipped properly to prepare and serve adequate meals.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2474 Meal planning.

Rule 474. (1) Menus shall be written 3 days prior to the serving of the meal. Any change or substitution shall be noted and considered as a part of the original menu.

(2) Records of menus as served shall be provided upon request by the department.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

R 400.2475 Staff.

Rule 475. A minimum of 1 individual qualified by training, experience, and performance shall be responsible for food preparation. Such additional food service assistance, including relief persons, as necessary for regular and timely meals, shall be employed.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

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